IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1994 OF 1991

Kanifnath Baburao Lonkar... .... Petitioner.

Versus

Sou. Aruna Kanifnath Lonkar.. .... Respondent.

Ms. Naina Thatte with Mr. A. P. Vaze
for the Petitioner.

Mr. Anil H. Hirve for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 9TH JUNE, 2005.

P.C.:

By this Petition, the Petitioner has challenged the enhancement of maintenance from Rs.75/- awarded in the year 1975 to Rs.200/- awarded in December, 1990.

2. The Respondent was granted maintenance by the Judicial Magistrate, Pune at the rate of Rs.75/- per month on 7th April, 1975. It appears that the Petitioner stopped paying this amount from May, 1982. The Respondent then applied for enhancement but that application was dismissed on 7th February, 1982. The Respondent, therefore, again applied for enhancement

by the present application in the year 1990.

3. The Petitioner resisted the application on the ground that the Respondent has inherited property. However, the Court found that none of the documents show any interest of the Respondent in the property. He also resisted the application on the ground that he suffers from T. B. and therefore does not ply a rickshaw regularly. According to the Respondent, the Petitioner earns about Rs.150/- a day. According to the Petitioner he earns about Rs.15/- to Rs.20/- per day. Having regard to the steep increase in the prices of commodity for the 15 years from 1975 to 1990, the Court found it appropriate in the interest of justice to enhance the maintenance from Rs 75/- to Rs.200/-.

4. The learned Counsel for the Petitioner stated that the Petitioner has obtained an exparte decree for divorce against the Respondent but is not in a position to state whether any maintenance is awarded by that Court. There is no reference to any such maintenance in the order of the Family Court, Pune, either. In the circumstances, I see no reason to interfere with this order enhancing maintenance to the

sum of Rs.200/- particularly since this petition is being heard in the year 2005.

5. Hence, Rule is discharged. Writ Petition is dismissed.

6. There shall be no order as to costs.

Sd/-

(S. A. BOBDE, J.)